

CARMEL CITY CODE
CHAPTER 10: ZONING & SUBDIVISIONS
ARTICLE 1: ZONING CODE
CARMEL ZONING ORDINANCE
CHAPTER 18: B-7/BUSINESS DISTRICT

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18.00 B-7/Business District¹

18.00.01 Purpose and Intent.

The purpose of this district is to allow for development of a wide variety of commercial uses near areas zoned or utilized for residential purposes. The intent is to permit efficient land usage while protecting and maintaining the character of neighboring residential areas.

18.00.02 Plan Commission Approval.

- A. Development Plan. The Commission shall review the Development Plan (DP) of any proposed use of any Lot or parcel of ground within the B-7 District prior to the issuance of an Improvement Location Permit by the Department. Once approved by the Commission the Development Plan (DP) shall not be materially or substantially changed or altered without the prior approval of the Commission. The Development Plan shall address the comprehensive arrangement of land uses, buildings, landscape areas, road and parking areas in accordance with harmonious and aesthetic principles of the ADLS.
- B. Architectural Design, Exterior Lighting, Landscaping and Signage. To insure the compatibility of the proposed use with adjoining areas, the Commission shall review the Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) application of any proposed use of any Lot or parcel of ground within the B-7 District prior to the issuance of an Improvement Location Permit by the Department. Once approved by the Commission the Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) shall not be materially or substantially changed or altered without the prior approval of the Commission.
- C. Applicability. Commission approval shall be necessary:
 - 1. prior to the consideration by the Board of Zoning Appeals for a variance of any property located within the B-7 District;
 - 2. prior to the issuance of any Improvement Location Permit in the B-7 District.
- D. Review Criteria. The Commission shall examine each proposal in relation to the health, safety and general welfare of the community and particularly nearby residential areas.

¹ Section 18.00 amended per Ordinance No. Z-369-02, §ae; Z-453-04, §as.

The Commission review is to determine that the proposed use is within the permitted uses within a B-7 District and that the proposed use is appropriately designed and landscaped to compatibly adjoin a residential area. In such review, the Commission shall consider the particular elements of each proposal, which may include, but are not limited to the following items:

1. Neighborhood Impact: social/neighborhood effects, impact on surrounding property, compatibility with existing commercial uses, benefit to community, and minimization or containment of possible negative effects.
2. Site Suitability: topography, on-site and off-site surface and subsurface storm and water drainage, surrounding zoning and land use, access to public streets, soils and hydrology.
3. Public Facilities: capacity of proposed and existing public streets, available police and fire protection, easements and utilities on-site and to the site, including water, sewage and storm drainage facilities.
4. Circulation Patterns: amount and direction of traffic flow proposed, existing vehicular and pedestrian circulation pattern, streets, sidewalks, curbs, gutters, driveway and curb cut locations in relation to other sites, parking location and arrangement, alleys, service areas, loading bays and dedication of streets and rights-of-way.
5. Architectural Design: scale and proportion, suitability of building materials, surrounding building design, proposed and existing landscaping, exterior lighting, signage, site coverage, screening and buffering and necessary building height, bulk and setback.

18.00.99 Application Procedure.

- A. Development Plan. See *Section 24.99(A): Development Plan.*
- B. Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS). See *Section 24.99(B): Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS).*

18.01 Permitted Uses.²

See *Appendix A: Schedule of Uses.*

18.01.01 Minimum Area Requirements:

<u>Use</u>	<u>Minimum Area</u> (Acres)
Day nursery	One (1)
Kindergarten	One (1)

18.01.02 Other Requirements:

<u>Use</u>	<u>Other Requirements:</u>
Dry cleaning and laundry (pick-up & delivery only)	No dry cleaning or laundering on premises
Hardware store	No service center

² Section 18.01 amended per Ordinance No. Z-415-03, §an.

18.02 Special Uses & Special Exceptions:³

- A. See *Appendix A: Schedule of Uses*.
- B. See *Chapter 21: Special Uses & Special Exceptions* for additional regulations.

18.03 Accessory Buildings and Uses:⁴ See also *Section 25.01*.

Accessory Buildings and Uses customarily and purely incidental to the uses allowed in this district are permitted contingent upon Commission approval (see *Section 18.00.02*) and under the following conditions:

- 1. shall have on all sides the same architectural features or shall be architecturally compatible with the Principal Building(s) with which it is associated.

18.04 Height and Area Requirements: (See *Chapter 26: Additional Height, Yard, & Lot Area Regulations* for additional requirements.)

18.04.01 Maximum Height: Thirty-five (35) feet, with a maximum of two (2) stories.

18.04.02 Minimum Front Yard: Forty (40) feet.

18.04.03 Minimum Side Yard: Ten (10) feet.

18.04.04 Minimum Aggregate of Side Yard: Twenty-five (25) feet.

18.04.05 Minimum Rear Yard: Thirty (30) feet.

18.04.06 Minimum Lot Width: One hundred (100) feet. However, if a lot was recorded prior to May 5, 1980 ("Effective Date") and said lot does not meet the minimum lot width requirements of this section, said lot ("Undersized Lot") may be used for any use permitted in the B-7 District provided that:

- 1. At the time of the recordation of the Undersized Lot, or on the Effective Date, the Undersized Lot met the requirements for minimum lot width then in effect for the underlying primary zoning district(s);
- 2. The owner of the Undersized Lot must include, up to the minimum lot width, any adjoining vacant land (not separated by a street or public way) owned on or before the Effective Date or at the time of application which, if combined with the Undersized Lot, would create a lot which conforms to the minimum lot width requirements of this section; and
- 3. All other applicable regulations of the B-7 District can be met.

18.04.07 Minimum Lot Size: A lot for a business use shall contain a minimum of ten thousand (10,000) square feet when serviced by a community water system and a community sanitary sewer system. A lot for a multiple-family dwelling shall contain five thousand (5,000) square feet per dwelling unit when serviced by a community water system and a community sewer system. Twenty-five thousand (25,000) square feet shall be added to the minimum lot size if a community sanitary sewer system does not service the lot and eight thousand, five hundred sixty (8,560) square feet shall be added if a community water system does not service the lot. Five thousand (5,000) square feet may be deducted from the minimum lot size add-ons for private water and sewer systems if an adequate drainage system, such as through the use of perimeter tile drains, increased pad

³ Section 18.02 amended per Ordinance No. Z-320; Z-365-01; Z-415-03, §ao; Z-453-04, §at.

⁴ Section 18.03 amended per Ordinance No. Z-369-02, §af.

elevations and a storm sewer system with an adequate drainage outlet, is used to alleviate surface and ground water problems.

18.04.08 Minimum Ground Floor Area:

1. Business uses: Nine hundred (900) square feet;
2. Multiple-family dwelling: Eight hundred (800) square feet.

18.04.09 Maximum Lot Coverage for Multiple-family Dwellings: Forty percent (40%) of lot.

18.05 Parking and Loading Berth Requirements. (See *Chapter 27: Additional Parking & Loading Requirements* for additional requirements.)

18.05.01 All business uses, except office buildings:

1. 3,000 - 15,000 square feet gross floor area: One (1) berth
2. 15,001 - 40,000 square feet gross floor area: Two (2) berths.
3. Each 25,000 additional square feet: One (1) additional berth.

18.05.02 Office buildings:

1. 100,000 or less square feet gross floor area: One (1) berth.
2. 100,001 - 300,000 square feet gross floor area: Two (2) berths.
3. Each 200,000 additional square feet: One (1) additional berth.

18.06 Landscaping Requirements⁵

18.06.01 Landscaping Plan: A Landscaping Plan shall be submitted to the Commission for its approval at the same time other plans (*e.g.*, architectural design, lighting, parking and signage) are submitted. This plan shall be drawn to scale, including dimensions and distances; shall delineate all existing and proposed structures, private parking areas, walks, ramps for handicapped, terraces, driveways, lighting standards, signs, steps and other similar structures; and, shall delineate the location, size and description of all landscape material and the method to be used for the watering or irrigation of all planting areas. Landscape treatment for plazas, roads, paths, service and private parking areas shall be designed as an integral and coordinate part of the Landscape Plan for the entire lot.

18.06.02 Areas to be Landscaped:

1. Where a lot or parcel of ground in the B-7 District abuts a parcel zoned for residential purposes, a thirty-foot (30') landscaping buffer shall be located along the side of the lot which abuts the residentially zoned parcel. This landscape buffer shall be a greenbelt as described herein and shall contain a visual screen six (6) feet in height created by a solid wall or fence, or by an earth berm with plantings, or by a planting hedge, or any appropriate combination thereof. The design of this buffer shall provide effective screening at all times during the year and shall be coordinated with, or complementary to, any adjacent landscape buffer and its screening.
2. A greenbelt shall be an area suitably landscaped consistent with the standards set forth herein and shall be otherwise unoccupied except for steps, walks, terraces, lighting standards, and other similar structures (excluding parking area). Innovative treatments are to be especially encouraged in this area.

⁵ Section 18.06 amended per Ordinance No. Z-365-01; Z-453-04, *§au-aw*.

3. Where a lot or parcel of ground in the B-7 District abuts a public street or thoroughfare, the Landscape Plan for the site shall include a landscaped area along and immediately adjacent to said street or thoroughfare. This planting area shall provide for shade trees to be planted approximately every fifty (50) feet. The shade trees distance from the right-of-way and spacing should be approved in accordance with the particular property's characteristics and the needs of the particular proposed use.

18.06.03 Landscape Standards:

1. The interior dimensions, specifications and design of any planting area or planting median proposed to be constructed shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth.
2. The primary landscaping materials used in the Greenbelt shall be shade trees, ornamental trees, shrubs, ground covers, grass, mulches, *etc.*
3. The primary landscaping materials used in and around private parking areas shall be trees which provide shade at maturity. Shrubbery, hedges, and other planting material may be used to complement tree landscaping, but shall not be the sole contribution to the landscaping.
4. All shade trees proposed to be used in accordance with any Landscaping Plan shall at the time of planting be a minimum of eight to ten feet in overall height and have a minimum trunk diameter, twelve (12) inches above the ground, of two and one-half inches (2½"). They should be of a variety which will attain an average mature spread greater than twenty (20) feet.
5. Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate, existing trees should be conserved and integrated into the Landscaping Plan.

18.06.04 Landscaping Installation and Maintenance:

1. **Installation:** All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy by the Director. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond for an amount equal to the total cost of the required landscaping prior to the issuance of the Final Certificate of Occupancy.
2. **Maintenance:** It shall be the responsibility of the owners and their agencies to insure proper maintenance of the landscaping in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, and keeping the area free of refuse and debris.
3. **Changes After Approval:** No landscaping which has been approved by the Commission may later be altered, eliminated or sacrificed without first obtaining further Commission approval.
4. **Inspection:** The Director, or his duly appointed representative, shall have the authority to visit any lot within the B-7 District to inspect the landscaping and check it against the approved plan on file.

18.07 Storage, Display and Refuse.⁶

All storage, display and refuse shall be completely enclosed in a Principal or Accessory Building.

⁶ Section 18.07 amended per Ordinance No. Z-453-04, §ax.

**CHAPTER 18: B-7/BUSINESS DISTRICT
AMENDMENT LOG**

Ordinance No.	Docket No.	Council Approval	Effective Date	Sections Affected
Z-320				
Z-365-01	76-01a OA	November 5, 2001	November 27, 2001	18.02; 18.06.04(1); 18.08.03
Z-369-02	160-01 OA	April 1, 2002	April 1, 2002	18.00.02; 18.03 Spring 2002 v2
Z-415-03	39-02 OA	November 17, 2003	November 18, 2003	18.01; 18.02 Autumn 2003 v1
Z-453-04	150-02 OA	August 16, 2004	August 16, 2004	18.00.99; 18.02; 18.06.01; 18.06.04; 18.07; 18.08 Summer 2004 v1